

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 1/17/2020

-----X  
STEFAN BECKER,

Plaintiff,

-against-

ABS TRAVEL INC.,

Defendant.  
-----X

19-CV-8840 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on December 9 and 23, 2019, Plaintiff filed his application for entry of default judgment, *see* Dkts. 11–16;

WHEREAS on December 26, 2019, the Court scheduled a hearing for Plaintiff’s application and issued an Order for Defendant to show cause (“Order”) at a hearing on January 17, 2020, why a default judgment should not be entered in favor of Plaintiff, *see* Dkt. 17;

WHEREAS Defendant failed to respond to that Order and did not appear at the Court’s show-cause hearing on January 17, 2020;

WHEREAS Plaintiff did not provide adequate proof that he had complied with the Court’s Order to mail and email the Order and related application papers to Defendant;


WHEREAS Plaintiff did not provide an adequate factual basis for his request of actual damages for copyright infringement under 17 U.S.C. § 501;

IT IS HEREBY ORDERED that Plaintiff’s application for default judgment is DENIED without prejudice. No later than **January 24, 2020**, Plaintiff must resubmit an affidavit stating the physical address and email address to which he sent the Order and related application papers

and the basis for doing so, *i.e.*, the factual support for Plaintiff's conclusion that the physical address is the Defendant's last known business address and that the email address belongs to Defendant. Plaintiff must also present proof that the Order was mailed and emailed to those addresses, beyond simply an assertion by counsel that they were, and must certify that the mailing was not returned and that he did not receive electronic notification of non-delivery of the email transmitting the Order. Plaintiff must also submit a factual basis for his request for actual damages, *i.e.*, an affidavit from Plaintiff stating the amount for which he has licensed either the photograph at issue or similar photographs and any other evidence that tends to prove the value of the infringed photograph.

**SO ORDERED.**

**Date: January 17, 2020  
New York, NY**

  
\_\_\_\_\_  
**VALERIE CAPRONI**  
**United States District Judge**